



TOWN OF ACTON

COMMUNITY PRESERVATION PLAN 2007

COMMUNITY PRESERVATION COMMITTEE

August 14, 2006

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INTRODUCTION

The Town of Acton Community Preservation Committee ("the Committee") is pleased to present the 2007 Town of Acton *Community Preservation Plan* ("the Plan"). This Plan describes the process for administering the Community Preservation Act (CPA) in the Town of Acton. The Plan presents a description of the CPA as it applies to the Town, a definition of CPA goals, and a methodology and procedure by which the CPA is administered. As such, it represents an informational document for the citizens of the Town, a guideline and instructional document for applicants seeking project funding through the CPA, and a guidance document for this and future CPA Committees in making recommendations to Town Meeting for project funding. The Committee fully recognizes that this document may be modified by future CPA Committees in response to changing goals and experience with the CPA over time.

Since Acton's adoption of the CPA in 2002, the Town has collected CPA funds through three complete fiscal years and appropriated CPA dollars in three funding rounds:

| <i>Collections</i> | | <i>Appropriations</i> | |
|--------------------|--------------|---------------------------|-------------|
| FY 03: | \$ 944,456 | 2004 Annual Town Meeting: | \$ 873,483 |
| FY 04: | \$1,078,485* | 2005 Annual Town Meeting: | \$1,083,867 |
| FY 05: | \$1,141,668* | 2006 Annual Town Meeting: | \$1,150,553 |

* Does not include interest and prior year balances carried forward

This Plan includes a summary report of these appropriations.

The Committee wishes to thank the multitude of Town citizens, Town and State officials, and Committee members, as well as members of neighboring town CPA committees for their help in the development of this Plan.

For additional information on the CPA statute and how it is being applied in towns across the State, visit the Community Preservation Coalition website at www.communitypreservation.org. For information on Acton's Community Preservation activity, visit the Town website at www.acton-ma.gov.

THE COMMUNITY PRESERVATION ACT IN ACTON

The Community Preservation Act, M.G.L. c. 44B, ("the CPA") allows Massachusetts cities and towns to raise monies through a surcharge of up to 3% of the real estate tax levy on real property. These funds may then be used to acquire, create and preserve open space; acquire and preserve historic resources; create, preserve and support community housing; and acquire, create and preserve land for recreational use. The Act also provides significant State matching funds. State CPA trust fund distributions matched 100% of locally raised CPA funds in 2003, 2004 and 2005, and are expected to provide a 100% match in 2006 as well.

As of June 1 2006, 110 Massachusetts cities and towns have adopted the CPA. To date, State CPA fund distributions have matched 100% of locally raised funds in all of these cities and towns. This match is distributed in two rounds, whereby the state takes 80% of the amount in the trust fund that year and divides it among all participating communities so that they receive the same percentage match. If, as has been the case to date, an 80% distribution is sufficient to pay a full 100% match to every eligible community, no further distribution round is necessary and any surplus is carried over until the next year. If in future years the first round does not generate a full match, the remaining 20% of the state trust fund will go toward a second-round distribution. To receive funds from the second round a community will have to have passed the CPA at a 3% surcharge.

Acton voters approved the Community Preservation Act, M.G.L. c. 44B (the CPA), at the April 2, 2002 Town Meeting and again at the November 5, 2002 Town election. In Acton, voters elected to fund the CPA account through a 1.5% surcharge on all real estate property tax bills with two exemptions:

- Residential property owned and occupied by any person who qualifies for low-income housing, or low- or moderate-income senior housing.
- \$100,000 of taxable value of residential real property.

The collection of CPA surcharges began with Fiscal Year (FY) 2003. Collections and appropriations for 2003, 2004, and 2005 were as follows:

| | FY 2003 | FY 2004 | FY 2005 |
|--------------------------|----------------|----------------|----------------|
| From local surcharges | \$470,991 | \$ 539,863 | \$ 573,504 |
| State matching funds | \$473,465 | \$ 534,467 | \$ 568,164 |
| Reserve from prior years | \$ 0 | \$ 70,973 | \$ 65,591 |
| Interest | \$ 0 | \$ 4,155 | \$ 29,417 |
| Total | \$944,456 | \$ 1,149,458 | \$1,236,676 |
| Appropriations | \$873,483 | \$ 1,083,867 | \$ 1,150,553 |
| Undedicated Reserve | \$ 70,973 | \$ 65,591 | \$ 86,122 |

For FY 2006, revenues from the local CPA surcharge are estimated at \$650,000. A 100% State match is expected.

Community Preservation Committee: Formation and Responsibilities

Consistent with the terms of the CPA and with the Community Preservation Committee Bylaw adopted at the April 2, 2002 Town Meeting, the Community Preservation Committee has been formed to administer the CPA. The Committee is appointed by the Selectmen. It consists of three at-large members (Peter Berry, Catherine Coleman, Susan Mitchell-Hardt); representatives of the Board of Selectmen (Walter Foster), Conservation Commission (Andrew Magee), Historical Commission (Victoria Beyer), Planning Board (Edmund Starzec), Recreation Commission (Matt Lundberg), and Acton Housing Authority (Ken Sghia-Hughes); and two associate members (Nancy Tavernier and Jon Benson). The Selectmen have assigned Roland Bartl, Town Planner, to provide the Committee with staff assistance.

This Plan evolved from the previous years' *Community Preservation Plans*. It incorporates lessons learned from the previous three rounds of project selections and funding appropriations. The Committee makes an ongoing effort to meet with many interest groups, including Town department heads and staff, Town committees, environmental and land trust organizations, and the general citizenry. The Committee uses the 1998 Town of Acton *Master Plan Update*, the 2002 – 2007 Town of Acton *Open Space and Recreation Plan*, the 2004 "To Live in Acton" *Community Development Plan*, and other relevant planning materials for reference and guidance. This Community Preservation Plan attempts to capture Acton's community preservation needs and goals in the four CPA target areas. This Plan also outlines the processes by which the Committee solicits, reviews, and recommends proposals for CPA funding, including the application package. It is updated every year to reflect changes in goals or emphasis.

CPA Funding Requirements

The CPA mandates that each fiscal year Acton must spend, or set aside for later spending, at least 10% of the annual Community Preservation Fund revenues that were collected from the local surcharge and State match for each of three CPA target areas: open space, historic resources, and community housing. Beyond these required allocations, Acton Town Meeting decides how much of the remaining 70% of the funds to spend on the three purposes identified above or for recreation, based on the recommendations of the Committee. The spending mix for the remaining 70% of the Fund can be modified each year, and any monies not appropriated remain in the Fund for future distribution.

A recommendation by the Committee and an appropriation by Town Meeting are both required to spend any Fund monies for particular community preservation purposes. Appropriations from the Fund, except borrowing, are made by a simple majority vote. Borrowing monies for CPA purposes requires a two-thirds majority vote.

Town Meeting may approve, reduce, or reject any amount of spending appropriation recommended by the Committee. At the Committee's recommendation, Town Meeting may also decide to set aside all or part of the annual Fund revenues for later spending by allocating revenues to a reserve for one or more community preservation purpose category. Town Meeting may not, however, increase any recommended appropriation or reservation. In addition, Town Meeting may not appropriate or reserve any fund monies on its own initiative without a prior recommendation by the Committee.

All citizens are welcome to attend the Committee's meetings. The times and locations of these meetings are posted at Town Hall and on the Town website, www.acton-ma.gov. Written comments or questions are welcome and may be submitted via email to cpc@acton-ma.gov or directed to the Community Preservation Committee, c/o Planning Department, Town Hall, 472 Main Street, Acton, MA 01720.

Gifts to Community Preservation Fund

The Town of Acton can accept monetary gifts to the Community Preservation Fund. Gifts can be designated for specific purposes consistent with the four statutory categories – open space, community housing, historic preservation, and recreation. Gifts may be made in a variety of forms, including cash and securities. Gifts to the Town of Acton are tax-deductible to the full extent allowed under the Internal Revenue Code. For more information please review the Town of Acton 2006 Guide to Giving at (<http://>).

HOW CPA FUNDS CAN BE USED

Community Preservation Act funds must be used for public community preservation purposes. The following guidelines summarize these public purposes.

Community preservation is defined by the Act as, "the acquisition, creation and preservation of open space, the acquisition, creation and preservation of historic structures and landscapes, and the creation and preservation of community housing."

Preservation is defined as, "the protection of personal or real property from injury, harm or destruction, but not including maintenance."

As detailed by the CPA, Fund monies may be spent to undertake the following primary community preservation purposes:

- The acquisition, creation, and preservation of open space. Open space, as defined by the CPA, "shall include, but not be limited to, land to protect existing and future well fields, aquifers and recharge areas, watershed land, agricultural land, grasslands, fields, forest land, fresh . . . water marshes and other wetlands, . . . river, stream, lake and pond frontage, . . . lands to protect scenic vistas, land for wildlife or nature preserve and land for recreational use."
- The creation, preservation, and support of community housing. The CPA defines community housing as, "low-and moderate- income housing for individuals and families, including low-or moderate- income senior housing." The term "support" includes expenditures such as annual payments to the Acton Housing Authority to preserve or expand the affordable housing supply.
- The acquisition and preservation of historic resources. The CPA recognizes historic resources as, "historical structures and landscapes," including "a building, structure, vessel, or real property that is listed or eligible for listing on the State register of historic places or has been determined by the local historic preservation commission to be significant in the history, archeology, architecture, or culture of a city or town." For CPA purposes, the local historic preservation commission is the Town of Acton Historical Commission.
- The acquisition, creation, and preservation of land for recreational use. The CPA defines recreational use as, "active or passive recreational use including, but not limited to, the use of land for community gardens, trails, and noncommercial youth and adult sports, and the use of land as a park, playground or athletic field. 'Recreational use' shall not include horse or dog racing or the use of land for a stadium, gymnasium, or similar structure."

Community Preservation Act funds may also be used for the following purposes:

- The “rehabilitation or restoration of . . . open space, historic resources, land for recreational use and community housing that is acquired or created” using monies from the Fund.
- A community may “set aside” revenues for “later spending.”
- Annual “administrative and operating expenses” of the Committee, not to exceed 5% of the Fund’s estimated annual revenues.
- Annual principal and interest payments, preparation, issuance and marketing costs for bonds or notes for borrowings for community preservation purposes.
- Damages payable to property owners for real estate interests taken by the Town by eminent domain for community preservation purposes.
- “Local share for state and federal grants” for allowable community preservation purposes.
- Property acquisition-related expenses including appraisal costs, expenses for title searches, and closing fees.

Community Preservation Act funds may **not** be spent for the following purposes:

- “Replace existing operating funds, only augment them.” The Fund is a supplementary funding source intended to increase available resources for community preservation acquisitions and initiatives.
- Pay for routine maintenance, defined as, “the upkeep of any real or personal property.”
- Gymnasiums, stadiums, or any similar structure.
- Projects without a public purpose or public benefit.

OPEN SPACE AND RECREATION

In the 2002-2007 Town of Acton *Open Space and Recreation Plan* (the OSRP) the residents of Acton identified three key open space and recreation goals:

- Preserve the remaining elements of Acton's rural character
- Protect the environment
- Improve recreational opportunities

In reaffirming these three key goals the residents of Acton continue to recognize the importance of open space and adequate passive and active recreational areas as critical to preserving the character of the Town and thereby the quality of life shared by its citizens.

A. Open Space Resources and Needs

Although the Town continues to experience tremendous residential development, Acton remains a community with abundant natural and scenic resources, including dedicated conservation lands, active farmlands, open fields, woodlands, and wetlands and waterways. These resources contribute to making the Town a desirable place to live, a factor which has fueled its continued residential growth. Hence, the Town lies at a crossroads, where many of its natural resources are threatened by the very development they attract.

Currently, about 14% or 1,818 acres of Acton's almost 13,000 acres are permanently protected as open space. Unprotected municipal or state-owned lands account for approximately 9% of the Town's open space (2002 – 2007 Acton OSRP). In recent years a number of open space parcels in Acton have been successfully preserved through conservation restrictions and as set-asides associated with planned community developments. However, as a general rule, the development of the Town's "green spaces" has out-paced land protection. The CPA offers a significant tool for increasing the protection and preservation of the Town's open spaces, farmlands, and natural resources.

The CPA allows and encourages the acquisition, creation, and preservation of open space. CPA funds may be used to protect open space by outright purchase, through bonding, through purchases made in conjunction with other private and/or public funds, and/or by extinguishing or limiting development rights through the purchase of permanent land conservation or agricultural preservation easements or restrictions. In identifying multiple land preservation and funding methods, the CPA essentially recognizes the prohibitive costs of land in communities such as Acton, and similarly recognizes that CPA funds alone will likely not be sufficient for the protection of significant tracts of land.

CPA funds may also be used to support land protection efforts through the development of land protection plans or strategies, such as the development of local Open Space Plans required by the State as a prerequisite for receiving funding for land purchases. Similarly, CPA funds may be used to establish land protection trust funds, the monies of which can be used to conduct

preliminary land assessments and enable the Town to rapidly respond to land protection opportunities.

Open Space Preservation Goals

- Preserve the remaining elements of Acton's rural character, including the natural and man-made features that contribute to Acton's character such as open fields, agricultural lands, woodlands, waterways, and scenic vistas.
- Preserve open space and develop additional public open spaces and parklands including, but not limited to, areas bordering Fort Pond Brook, Nashoba Brook, the Assabet River, and their tributaries.
- Protect and maintain the remaining farmland in Town, including the preservation of the farm fields along Route 2. Encourage continued or new farming enterprises.
- Preserve large tracts of undeveloped land.
- Preserve small tracts of undeveloped land that contribute to other open space goals, such as smaller parcels that preserve village center characteristics, are located adjacent to existing protected open spaces, or that preserve corridor linkages between larger open space parcels.
- Preserve lands that protect the quality and quantity of Acton's water supply, wildlife corridors and wildlife habitat, and/or that restore polluted environmental resources.
- Obtain open space through the outright purchase of potentially developable land.
- Obtain open space through methods such as, but not limited to, acquiring development rights and encouraging property owners to protect and/or preserve their land as open space through conservation restrictions, agricultural preservation restrictions, or other means.

B. Recreational Resources and Needs

Between 1990 and 2000 the population of Acton increased by 13.8% to 20,331. Such rapid growth has put a great strain on the Town's existing recreational resources. As the population of Acton has increased, so has the need for new recreational facilities. In addition to increased demand by traditional uses and users, recreational facilities and opportunities need to be broadened to include all age groups and interests, as well as to meet the increasing demand of the youth and adult sports organizations. It is important to plan now for both short- and long-term solutions to this growth. Currently, the Town's active recreation fields and NARA Park make up about 63 acres, not including fields on school campuses. The installation of a synthetic turf surface at Leary Field and the new 10.4 acres of ball fields under development at School Street are helping to alleviate our town's shortage of fields. However, according to National Recreation and Park Association standards, Acton still has a considerable shortage of active recreation land to meet the needs of its citizens (please refer to the OSRP).

Much of the Town's permanently protected open space includes a network of foot trails that provide opportunities for passive recreation, such as hiking, cross-country skiing, and access to ponds and streams. Public swimming facilities include the High School pool and the NARA pond. Fishing and canoeing can be enjoyed at Ice House Pond, Nashoba Brook, and Fort Pond Brook.

The development of new recreational facilities should take the shape of multi-use recreational zones, which incorporate playing fields, open space, landscaping, and shade to ensure participant and spectator comfort, land protection, and aesthetic appeal. Funding of such "Rec Zones" would not only provide much-needed playing fields, but would maximize the benefit of CPA funds by creating open space buffers to offset increased development.

Recreation Goals

- Provide additional athletic fields to meet the needs of the Town's growing population and develop multi-use "Rec Zones."
- Develop regional bike trails through Acton.
- Create more expansive human and wildlife corridors.
- Provide new and enhanced playground facilities for our youngest citizens.
- Enhance resources for hiking, cross-country skiing, horseback riding, boating, and fishing on conservation lands.
- Ensure universal accessibility to recreational activities (e.g., trails, picnicking, watching at athletic fields, water-based recreation and camping) at both recreation and conservation areas.
- Acquire land to fulfill identified current and future recreational needs.
- Develop active recreational resources identified in the OSRP including playing fields, improved/new playgrounds, and improved handicapped access; also address adult senior and toddler recreational needs.

COMMUNITY HOUSING

The CPA statute defines "community housing" as housing for low- and moderate-income individuals and families, including senior housing. "Low-income housing" is for households whose annual income is less than 80% of the area-wide median income. "Moderate income housing" is for households whose annual income is less than 100% of the area-wide median income. The area-wide median income is determined annually by the United States Department of Housing and Urban Development.

Acton's area-wide¹ median income in 2006 is \$84,100 for a family of four. However, for housing units created with CPA funds to be counted toward Acton's 10% affordable housing goal, the units must serve those households whose annual income is less than 80% of the area-wide median income, which in 2006, is \$66,150 for a family of four.

Acton has some lower-cost market housing units, primarily small one- and two-bedroom condominiums converted from apartments, but very few of these qualify as countable affordable housing units under State law. In Massachusetts, the term "affordable housing" applies to housing units made affordable to low-and moderate- income households by a recorded deed rider that restricts sale prices and rents in perpetuity to income eligible households.

CPA funds may be expended "for the creation, preservation and support of community housing and for the rehabilitation or restoration ... of community housing," but not including maintenance. The Acton Housing Authority and the Acton Community Housing Corporation are the local agencies responsible for implementation of community housing projects.

Community Housing Resources and Needs

During the development of the *Acton Master Plan* (1991, Update 1998) and the *Community Development Plan "To Live in Acton"* (2004), residents of the Town reaffirmed their commitment to provide affordable housing. In order to retain Acton's community character, it is critical for the Town to encourage and enable a diverse range of resident households to live here. These include municipal and school employees, people who work locally, elderly residents, the adult children of Acton residents, and other first time home buyers.

The high cost of housing continues to be a major concern of Massachusetts residents. Respondents to a recent UMass Donahue Institute/CHAPA Housing Poll reported the cost of housing makes it hard to make ends meet; causes them to seriously consider moving out of Massachusetts; prevents elderly residents from staying in their town and young families from moving in; hurts the local economy because businesses are having a harder time finding and keeping workers; and prevents municipal workers from living in the towns they serve. The national definition of housing affordability assumes that a home is affordable to its owners if their monthly housing costs, a mortgage payment, property taxes, and house insurance, do not exceed 30% of their monthly gross income. When households pay more than 30% of their

¹ Boston Primary Metropolitan Statistical Area

gross income for housing costs, they are classified as "housing cost burdened." In 2004, 23.8% in Acton met the definition of housing cost burdened households.

Affordable housing opportunities help Acton attract and retain talented employees upon whom the Town depends to provide high quality public services. The average price of homes and rental units in Acton has risen far beyond what many Town employees, first-time homebuyers, and renters are able to afford. Under conventional loan underwriting standards and a 10% down payment, homebuyers at Acton's median household income of \$98,154 can afford a purchase price of about \$330,000. The average assessed value of a single family home in 2005 in Acton was \$500,000.

A 1969 State law, called the Comprehensive Permit Law, created a standard for communities to provide a minimum of 10% of their housing inventory as affordable units. In May 2006, the Massachusetts Department of Housing and Community Development certified 510 or 6.7% of Acton's 7,645² dwelling units as deed-restricted affordable housing. Acton was given a significant boost by the Board of Appeals' approval of 312 new units in The Woodlands, a large rental project near Nagog Woods. All units in a rental project are counted toward the Town's 10%. That leaves Acton 255 affordable units short of the Town's goal of 10% low- or moderate-income housing units. The Town of Acton *Master Plan Update* and the "*To Live in Acton*" report provides more detailed information and should be referred to for additional discussion of community housing.

In 2004, the Town completed the Community Development Plan *To Live in Acton*, which identified these five housing needs in order of priority:

- Affordable rental units for very low- and low-income families;
- Affordable rental units designed for low-, moderate- and middle-income senior citizens, and persons with disabilities;
- Affordable homeownership units for moderate-income families;
- Affordable homeownership units in a range of residential use types and sizes for moderate- and middle-income seniors; and
- Homeownership units at below-market prices for middle-income households at 100%-130% of the Area Median Income.

In January 2006, Acton's *Planned Production Plan* was certified by DHCD for two years. DHCD's Planned Production regulations provide incentives to municipalities to increase their stock of Chapter 40B Housing by giving them more local control in exchange for producing units at a prescribed rate. This Plan supplements the Community Development Plan by defining specific affordable housing production goals, analyzing the capacity of municipal infrastructure and services to accommodate increased affordable housing production, and identifying specific geographic areas for future affordable housing growth.

Community Housing Goals

The Acton CPC has established the following goals in order to address the housing needs of the community.

² U.S. 2000 Census total housing unit count

- Create, preserve and support community housing and rehabilitate or restore community housing that is acquired or created under the CPA. Give preference to the reuse of existing buildings and to the construction of new buildings on previously developed sites.
- Limit purchase price or rental fees to the Department of Housing and Community Development's established maximum low- and moderate-income limits to ensure that units are counted toward Acton's 10% goal for affordable housing.
- Promote economic diversity of Acton residents by providing housing for households earning at a range of 30%-80% of the Area Median Income.
- Provide permanent rental housing units that include support services for elderly and persons with disabilities.
- Support the Acton Housing Authority's plan to increase the inventory of affordable rental housing for families by developing more units on existing AHA land and/or purchasing additional condominium units.
- Encourage non-profit organizations to build and advocate for affordable housing in Acton.
- Encourage diversity in Acton's population by achieving a mix of homes that enhances Acton's town character and provides needed choices for all its residents.
- Preserve the character of Acton's established residential neighborhoods.
- Promote Smart Growth and be guided by sustainable development principles.

HISTORIC RESOURCES

Historic Resources are defined by the CPA as buildings, structures, vessels, or real properties that are listed or eligible for listing on the State Register of Historic Places or are significant in the history, archeology, architecture, or culture of Acton as determined by the Acton Historical Commission. CPA funds may be used for the preservation, restoration or rehabilitation of historic resources (including Town-owned historic resources), but not for routine maintenance. Unless such historic resources are in public ownership, the public purpose of investments in historic resources must be apparent, and must be protected by a permanent preservation restriction that ensures a public benefit.

Currently, Acton has a considerable number of historic assets, including municipal buildings, private homes, and ancient artifacts. Listed on the State and National Registers of Historic Places are the Faulkner House, the Jones Tavern, the Exchange Hall, the Jonathan Hosmer House, the John Robbins House, the Isaac Davis Trail (the "Line of March" of the Acton Minutemen in 1775), and the Acton Center Historic District, which includes over 40 buildings and structures. Listing on the State and National Registers recognizes the importance of these properties as resources. Acton's three Local Historic Districts are the Acton Center District, the South Acton District, and the West Acton District. Local Historic District designation under M.G.L. 40C adds all the properties within them to the State Register and provides regulatory protections to preserve the historic integrity of the districts and their buildings, structures, and sites. In addition, the Acton Cultural Resource List and Historic Properties Survey itemize and describe approximately 400 buildings, structures, and sites town wide. Many of these are outside any of the Local Historic Districts and not listed on the State or National Registers.

Historic Resources and Needs

The rural, agricultural, and historic character of Acton is currently threatened by the rapid rise of local land values. It is often more feasible to remove older structures and replace them with new, much larger structures that are frequently out of scale with their neighborhood and setting, a development trend which damages the historic integrity of the Town. The lost structures which gave a sense of history and cultural character to the neighborhood are gone forever. Similarly, the Town is frequently placed in a position of defending itself from large developments and subdivisions that diminish its rural and historic character.

Placement on the Acton Cultural Resource List provides an opportunity to explore alternatives to the demolition of historically significant buildings or structures under Acton's Demolition Delay Bylaw. Many character-contributing historic resources are not listed or adequately documented and some are at risk of demolition. The CPA gives Acton the opportunity to make real the goals and desires of its *Master Plan Update*. These goals and ambitions become much more attainable with a dedicated funding source.

Historic Preservation Goals

- Protect, preserve, and/or restore historic properties and sites throughout Acton of historical, architectural, archeological, and cultural significance. Work to assist owners with adaptive re-use of historic properties.

- Protect threatened properties of particular historical significance. Fully document the architectural and historical significance of Acton's historic resources and their current condition. Prepare historical/cultural resource-survey form and National Register application forms. Investigate and, if deemed feasible, adopt preservation restrictions for historic properties.
- Preserve the remaining rural/historic character of the Town, including, but not limited to, residential and non-residential buildings, barns, outbuildings, burial grounds, markers, monuments, stone walls, fields, cart paths, historic land- and street-scapes, and scenic vistas. Work to maintain the character of Acton's country roads.
- Continuously update and maintain the existing Town of Acton Historic Properties/Cultural Resource Inventory and archival records.
- Provide education and community outreach regarding the extensive historical and cultural resources within Acton. Develop a signage program for historic structures to increase public awareness of historical and cultural assets within Acton.

THE CPA FUNDING APPLICATION PROCESS

The Committee invites CPA funding application for the upcoming funding round. It is the responsibility of the Committee to review all applications and to make recommendation(s) as to which, if any, of these applications should be so funded. The Committee expects to bring its recommendations to the 2007 Annual Town Meeting. The Committee has developed the following four-step process for reviewing, recommending, and funding of CPA proposals.

Step 1. Submit Completed Application by November 13, 2006

Applications (15 printed copies) must be received by Monday, November 13, 2006 to be eligible for ordinary consideration at the 2007 Annual Town Meeting. At its discretion the Committee may accept applications after the deadline for extraordinary reasons.

Applications for CPA funding must be submitted to the following address:

Community Preservation Committee
c/o Planning Department
Acton Town Hall
472 Main Street
Acton, MA 01720

Step 2. Community Preservation Committee Review and Public Comment

A. Application Review: The Community Preservation Committee will review submitted applications to determine whether the proposed projects:

1. Are eligible for Community Preservation funding; and
2. Are sufficiently developed in terms of their work plan and ripe in terms of timing for further consideration; and
3. Are consistent with the goals for CPA funding as set forth in this Plan; and
4. Are signed by the property owner.

B. Project Review Meetings: The Committee may ask applicants to meet with the Committee or its representatives to discuss their applications. These meetings will be publicly noticed. The Committee will seek public comments on proposed projects.

C. Notification: The Committee will notify applicants of its decisions concerning recommendations. It may ask eligible applicants to submit additional information.

D. Committee Recommendations: The Committee will make its final recommendations for funding in the form of one or more warrant articles to be voted on at the 2007 Annual Town Meeting. The Committee may recommend a project as proposed by the applicant, or may modify the project, or it may recommend partial funding or funding for only a portion or phase of the proposed project. The Committee's recommendations to Town Meeting may include detailed project scopes, conditions, and other

specifications as the Committee deems appropriate to ensure CPA compliance and project performance.

Step 3. Town Meeting Vote

The Committee will present its recommendations to the 2007 Annual Town Meeting for discussion and vote. Town Meeting has the final authority to award funds from Acton's Community Preservation Act Fund. A simple majority vote is required to approve funding. A two-thirds vote is required for borrowing.

Step 4. Award Letter

For projects approved by Town Meeting, the Committee will issue award letters with information on funding amount, funding conditions, project modification as voted by Town Meeting (if any), Town staff contact information, and guidelines for project execution. A sample letter can be found in the Appendix.

Step 5. Project Execution

Funding for approved projects will be available following the issuance of the award letter subject to conditions contained in the award letter. CPA monies are public funds raised from dedicated Acton tax revenues and from State subsidies to the Town. Projects financed with CPA funds, and carried out on public property or by a public entity must comply with all applicable State and municipal requirements, including the State procurement law, which requires special procedures for the selection of products, vendors, services, and consultants.³

All CPA funds are administered and disbursed by the Town of Acton, and project management, oversight, execution, and financial control will be under the control of the Town Manager or his designee. All bid documents or requests for proposals must be approved by the Town Manager before publication. All purchases of goods and services require a Town of Acton purchase order issued by the Town Manager or his designee. Final decisions regarding the selection of goods and services are the responsibility of the Town Manager. All contractual agreements with vendors or service providers must be approved and signed by the Town Manager. Payments are made only after the receipt of goods or services. The Town Manager may approve partial payments for partially completed service as may be specified in a Town-approved service contract or on a case by case basis at his discretion.

Where a private funding source supplements a CPA appropriation for a project to be carried out by the Town of Acton or on land owned by the Town of Acton, all such private funds must be donated to the Town of Acton before any goods or services are procured for the project.

The aforementioned guidelines do not strictly apply where a CPA appropriation is made as a grant to a non-governmental entity or a governmental or quasi-governmental entity other than

³ For Example: Purchases over \$5,000 require the solicitation of at least three quotes. Purchases over \$25,000 require the publication of "invitations for bids" or "requests for proposals". Contracts for goods and services must be awarded to the lowest qualified bidder, which may be someone other than who assisted the applicant with a project application. Project purchases cannot be split to avoid the State procurement laws.

the Town of Acton. However, the Community Preservation Committee and the Town Manager, or his designee, may require accounting and reporting procedures that are appropriate in the context of the project and satisfy the Town's need to comply with municipal finance laws.

For questions about procurements and other financial requirements and procedures the applicant should contact the Town Treasurer, John Murray, at (978) 264-9612. General questions concerning the application process should be directed to Roland Bartl, Town Planner, via email at cpc@acton-ma.gov, or by calling (978) 264-9636. Mr. Bartl will assist the applicant directly or will direct the Applicant's inquiry to the appropriate Town staff.

The Committee may request project status updates from Fund recipients. The purpose of such update is to aid the Committee in refining the Plan and to identify issues that may assist future applicants.

GUIDELINES FOR SUBMISSION

The following guidelines should be utilized in preparing an application for CPA funding. These guidelines should be utilized in consideration of the applicable Plan goals, and in conjunction with the "Review and Recommendation Criteria" section of this Plan.

- Each project funding application must be submitted using the *Community Preservation Plan* "Project Application Form." Additional pages should be added as necessary.
- Project funding applications (15 printed copies; no e-mail, please) must be received by **Monday, November 13, 2006** to be considered at the 2007 Annual Town Meeting. Submit applications to:

Community Preservation Committee
c/o Planning Department
Acton Town Hall
472 Main Street
Acton, MA 01720

- Project funding applications should be for funding within a 5-year completion period.
- If submitting multiple applications, projects should be submitted in order of priority.
- Applicants should review the CPA, the Acton CPA Bylaw (Chapter S), and this *Community Preservation Plan* prior to submitting CPA funding applications.
- Applicants should prepare itemized project scopes, with details describing each item and its estimated cost.
- Prior to submittal, applicants are encouraged to clarify with the Committee, the Planning Department, or their own legal counsel as to the eligibility of their project under the Community Preservation Act (M.G.L. Ch. 44B).
- Applicants should obtain professionally prepared quotes for project costs whenever possible. If such quotes are not available, detailed cost estimates may be used provided the basis of the estimates is fully explained.
- If the funding application is part of a longer-term project, the applicant should include the total project cost.

Applicants should take the following factors into consideration when completing the application. In evaluating project proposals, the Committee will use these factors in conjunction with the criteria outlined under "Review and Recommendation Criteria":

Community Character:

- a) encourage and preserve open space and agriculture

- b) promote/maintain diversity in housing stock
- c) preserve historic resources
- d) re-use existing structures
- e) enhance social, economic, cultural, historical, and natural resources, and their diversity
- f) preserve/revitalize historic centers/districts
- g) acquire/preserve threatened resources
- h) be consistent with Town planning documents

Community Impact/Needs:

- a) provide present and future uses
- b) increase/expand recreational facilities
- c) protect environmental/water resources
- d) address community need/fill void in community
- e) maximize number of people affected/benefiting
- f) meet needs of under-served populations
- g) meet multiple needs and populations

Fiscal Impact:

- a) initial cost
- b) ongoing maintenance or program costs
- c) minimize financial impact on taxpayers
- d) debt commitment
- e) multiple funding sources
- f) revenue generation
- g) feasibility

Other Factors:

- a) degree of urgency
- b) required timeline or impending deadlines
- c) complexity of execution

For additional information on the CPA statute and how it is being applied in towns across the State, visit the Community Preservation Coalition website at www.communitypreservation.org. For information on Acton's Community Preservation activity, visit the Town website at www.acton-ma.gov.

REVIEW AND RECOMMENDATION CRITERIA

It is the responsibility of the Committee to review all projects proposed for funding through the CPA Fund and to make recommendations to Town Meeting as to which, if any, of the proposed projects should be funded. In order to be considered eligible for review by the Committee, a project must at a minimum meet the statutory requirements of the CPA.

A project submitted to and deemed eligible for consideration by the Committee will be evaluated in relation to the following "Review and Recommendation Criteria." Recommendations for funding will be based on how well the individual projects meet these criteria, recognizing that all criteria may not apply to every project. The Committee will also give due consideration to the urgency of the project, with particular consideration given to those projects whose successful implementation is constrained by scheduling factors not controlled by the applicant.

- The project is consistent with the goals of the Town of Acton *Community Preservation Plan*.
- The project is consistent with the Town of Acton *Master Plan Update*, the Town of Acton *Open Space and Recreation Plan*, and other Town planning documents that have received wide scrutiny and input. These are available at the Acton Planning Department, the libraries, and on www.acton-ma.gov.
- The project is economically or otherwise reasonably feasible to implement.
- The project serves a currently under-served population.
- The project serves multiple needs and populations and/or addresses more than one focus area of the CPA.
- The project leverages additional or multiple sources of public and/or private funding.
- The project utilizes, preserves, protects, or enhances currently Town-owned open space, recreation, historic and/or housing assets.
- The project is consistent with recent Town Meeting actions.
- The applicant/applicant team has successfully implemented projects of similar type and scale, or has demonstrated the ability and competency to implement the project as proposed.
- The applicant has site control, or the written consent by the property owner to submit an application.

PROJECT APPLICATION FORM – 2007

Applicant: _____

Submission Date: _____

Applicant's Address, Phone Number and Email

Purpose: (Please select all that apply)

- ☐ Open Space
- ☐ Community Housing
- ☐ Historic Preservation
- ☐ Recreation

Town Committee (if applicable): _____

Project Name: _____

Project Location/Address: _____

Amount Requested: \$ _____

Project Summary: In the space below, provide a brief summary of the project.

Estimated Date for Commencement of Project: _____

Estimated Date for Completion of Project: _____

APPLICATION INSTRUCTIONS AND REQUIRED ATTACHMENTS

Submit 15 complete printed copies (e-mails will not be accepted) of the application, including all attachments, to:

**Community Preservation Committee
c/o Planning Department
Acton Town Hall
472 Main Street
Acton, MA 01720**

Attach the following with all applications:

- **Narrative:** A complete and detailed description of the project and, when applicable, of the property involved and its proposed use. Describe how the project will benefit the Town and the citizens of Acton and how the project is consistent with the Community Preservation Plan's "Guidelines for Submission" and "Review and Recommendation Criteria." Include a work plan showing the anticipated steps or phases for completion of the project and the timing and estimated cost of each phase.
- **Site Control:** A copy of the deed, purchase and sale agreement, option agreement, or other document to prove that the applicant has site control; or the property owner's written consent to the application and to the proposed project. If site control is not established, please explain in detail.
- **Project Scope:** An itemized project scope, with details describing each item and its estimated cost.
- **Cost Estimate:** Professionally prepared appraisal; or professionally prepared cost estimate (or detailed cost estimate with full explanation by line item and back-up material).
- **Feasibility:** List and explain all further action or steps that will be required for completion of the project, such as environmental assessments, zoning or other permits and approvals, agreement on terms of any required conservation, affordability, or historic preservation restrictions, subordination agreements, and any known or potential barriers or impediments to project implementation.
- **Maps:** USGS topographical map, assessors map, or other map as appropriate, showing location of the project.
- **Photographs** of the site, building, structure, or other subject for which the application is made.

Include the following, if applicable and available:

- Record plans of the land.
- Natural resource limitations (wetlands, flood plain, etc.).

- Zoning (district, dimensional and use regulations as applies to the land).
- Inspection reports.
- 21E Reports and other environmental assessment reports.
- Architectural plans and specifications for new construction and rehabilitation.
- Site plans and specifications.
- Maps, renderings, etc.
- Historic inventory sheet.
- Existing conditions report.
- Names and addresses of project architects, contractors, and consultants.
- Other information deemed useful for the Committee in considering the project.

Notes:

- Following the initial review of all applications, the Community Preservation Committee may request from applicants additional or more detailed information, and further clarifications to the submitted proposals. The Committee may request from the applicant a legal opinion to help it assess CPA project eligibility and to provide answers to any other questions that the Committee may have before finalizing its recommendation to Town Meeting.
- Once the Committee has made a preliminary selection of projects for funding, the Committee will work with the applicants for those projects to advance them for funding by Town Meeting.
- The Committee reserves the right to attach conditions, and to require deed restrictions and additional agreements, before its favorable funding recommendation to Town Meeting.

APPENDIX

1. Bureau of Local Services Schedule A4; December 05, 2005

| BUREAU OF ACCOUNTS SCHEDULE A-4* | | | |
|--|----------------------------------|-------------------------------------|-----------------------------|
| COMMUNITY PRESERVATION FUND CH. 44B | | | |
| ACTON | | | |
| City/Town/District | (a) FY2005 Actual Revenues | (b) FY2006 Estimated Revenues | |
| 1. Annual revenues and available funds | | | |
| a. Surcharge | \$ 573,503.55 | \$ 539,863.00 | |
| State trust fund distribution | 534,467.00 | 534,467.00 | |
| Other | 28,416.76 | 4,155.00 | |
| Total annual revenue | \$ 1,137,387.31 | \$ 1,078,485.00 | |
| Fund Reserves | | | |
| Fund Balance | | 5,381.50 | |
| Other | | | |
| Total current year revenues and available funds | 1,137,387.31 | 1,083,866.50 | |
| b. Fund balance and reserves appropriated for PY costs | | | |
| TOTAL Revenues and Available Funds | \$ 1,137,387.31 | \$ 1,083,866.50 | To Recap, Part IIIB, line 4 |

* Written documentation should be submitted to support increases/decreases of estimated revenues to actual revenues.

I hereby certify that the amount of fund reserves, fund balance and other available funds reported in Part I column(b) correctly reflects the votes of town meeting/city council.

Erin K. Bower
Clerk

Dec 5 2005
Date

I hereby certify that actual revenues, as shown in Part 1 column (a) are to the best of my knowledge correct and complete.

Stephen A. Bennett CPA
Accounting Officer

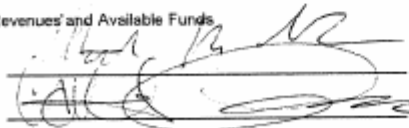
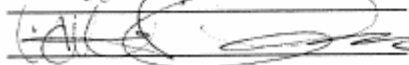
12/5/05
Date

We hereby attest that the revenues itemized above have not been used as a revenue source elsewhere in Tax Rate or Pro Forma recap.

David C. Brown
Board of Assessors

12/5/05
Date

APPENDIX

| | | | |
|---|----|--------------|------------------------------|
| ACTON | | SCHEDULE A-4 | |
| City or Town | | | |
| <hr/> | | | |
| 2. Appropriations, Reservations and Other | | | |
| a. Appropriations | | | |
| Administrative expenses | \$ | 53,716.50 | |
| Debt service | | | |
| Acquisitions and projects | | 730,150.00 | |
| Other | | | |
| Reserves appropriated for PY costs | | | (Must equal Part 1b (b)) |
| Total Appropriations | \$ | | 783,866.50 |
| | | | *To Recap page 4, col e |
| b. Reservations | | | |
| Open Space | \$ | 300,000.00 | |
| Historic Resources | | | |
| Community Housing | | | |
| Budgeted Reserve to be appropriated | | | |
| Total Reservations | \$ | | 300,000.00 |
| | | | *To Recap page 4, col e |
| c. Other (unappropriated, unreserved) | \$ | | |
| TOTAL Appropriations, Reservations and Other | \$ | | 1,083,866.50 |
| 3. Prior Year Deficits | \$ | | |
| | | | **To Recap, part IIB, Line 6 |
| 4. Community Preservation Fund Recap | | | |
| Total Appropriations, Reservations and Other | \$ | | 1,083,866.50 |
| Add: Prior year deficit | | | 0.00 |
| Total Revenues and Available Funds | \$ | | 1,083,866.50 |
|  | | | |
|  | | | |
| | | | |
| | | | |
| Community Preservation Committee | | | |

APPENDIX

2. a 2003 Project Proposals and Committee Funding Recommendations

CPC - Final Project Recommendations for Funding from FY 03 Fund Balance

| | Proponent | Proposals | Request | Committee Recommendation | CPA Category |
|----|---------------------------------------|--|-------------|--------------------------|---------------------|
| 1 | Town of Acton | Assabet River Rail Trail - design and construction | \$170,000 | \$170,000 | recreation/historic |
| 2 | Acton Community Housing Corporation | 214 Central Street/28 Willow Street Affordable Housing Feasibility Study | \$25,000 | \$25,000 | housing |
| 3 | Acton Community Housing Corporation | Community Housing Fund | \$75,000 | \$25,000 | housing |
| 4 | Acton Historical Commission | Cultural Resource List Update | \$20,000 | \$20,000 | historic |
| 5 | Town of Acton | Davis Monument restoration | \$50,000 | \$50,000 | historic |
| 6 | East Acton Village Planning Committee | East Acton Village Green | \$70,000 | \$0 | |
| 7 | Acton Housing Authority | Family Housing Initiative | \$200,000 | \$200,000 | housing |
| 8 | Acton Memorial Library | Historic Flag Preservation | \$5,600 | \$5,600 | historic |
| 9 | Historic District Commission | Historic District Boundary Signs | \$8,285 | \$8,285 | historic |
| 10 | Acton Boxborough Regional High School | Leary Field synthetic turf (withdrawn) | \$129,250 | \$0 | |
| 11 | Town of Acton | Morrison Farm master plan and field development | \$442,300 | \$59,800 | unspecified |
| 12 | Brian and Ruth Bendig | Barn Restoration | \$48,000 | \$0 | |
| 13 | T. J. O'Grady Skate Park, Inc. | T. J. O'Grady Skate Park construction | \$67,000 | \$67,000 | recreation |
| 14 | Charles W. Richard III | Quarry Road town forest addition | \$80,000 | \$0 | |
| 15 | CPC | open space reserve | | \$200,000 | open space |
| 16 | Town of Acton | administration/reimbursement to town | \$42,798 | \$42,798 | admin. |
| | | Totals | \$1,433,233 | \$873,483 | |
| | | Available Funds | \$944,456 | \$944,456 | |
| | | Balance | (\$488,777) | \$70,973 | unspecified reserve |

The 2004 Annual Town Meeting adopted the Committee's recommendations.

APPENDIX

2. b 2004 Project Proposals and Committee Funding Recommendations

CPC

6/29/2006

CPC - Final Project Recommendations for Funding from FY 04 Fund Balance

| | Proponent | Proposals | Request | Committee Recommendation | CPA Category |
|------------------------|------------------------|---|--------------------|--------------------------|--------------------|
| 1 | Housing Authority | Affordable Housing Administrative Support (withdrawn) | \$20,000 | \$0 | |
| 2 | Housing Authority | Recreation Area McCarthy Village | \$20,000 | \$20,000 | housing/recreation |
| 3 | ACHC | Community Housing Program Fund (as amended) | \$165,000 | \$160,000 | housing |
| 4 | Habitat for Humanity | Habitat Home | \$35,000 | \$0 | |
| 5 | Iron Work Farm | Jones Tavern Chimney Repair (as amended) | \$30,000 | \$30,000 | historic |
| 6 | Town of Acton | Town Hall Slate Roof Replacement | \$126,250 | \$120,000 | historic |
| 7 | Acton Memorial Library | Civil War Artifacts - Preservation and Display | \$30,150 | \$30,150 | historic |
| 8 | Town of Acton | Faulkner Plaque Installation - Town Hall | \$1,000 | \$1,000 | historic |
| 9 | Town of Acton | Pine Hawk Site Artifacts - Preservation and Display | \$24,000 | \$24,000 | historic |
| 10 | Town of Acton | Antique Fire Apparatus Restoration | \$20,000 | \$20,000 | historic |
| 11 | Town of Acton | Bruce Freeman Rail Trail - Start-Up Funding | \$75,000 | \$75,000 | recreation |
| 12 | Friends of Leary Field | Leary Field - Multi-use Recreation Space | \$250,000 | \$250,000 | recreation |
| 13 | Ms. Terra Friedrichs | Town Character Research | \$25,000 | \$0 | |
| 14 | CPC | Open Space reserve | | \$300,000 | open space |
| 15 | CPC | Reimbursement to Town of Acton -Administrative Support Services | | \$53,717 | admin. |
| Total | | | \$821,400 | \$1,083,867 | |
| Available Funds | | | \$1,149,458 | \$1,149,458 | |
| Balance | | | \$328,058 | \$65,592 | |

Town of Acton

Planning Department

2006 Plan - 05 recommendation report.xls

The 2005 Annual Town Meeting adopted the CPC recommendation.

APPENDIX

2. c 2005 Project Proposals and Committee Funding Recommendations

2006 Project Selection Worksheet

February 9, 2006

| Community Preservation Fund Applications 11/14/2005 | | | | | | |
|--|--|--------------|----------------------|--------------------|------------------------|------------------------|
| Applicant | Project | CPA Category | CPC Member Assigned | Request | Recommended Award | Fund Balance |
| | | | | | | \$ 573,503.55 |
| | | | | | | \$ 568,164.00 |
| | | | | | | \$ 29,416.76 |
| | | | | | | \$ 65,591.21 |
| | | | | | | \$ 1,236,675.52 |
| 1 | AHC Willow/Central Land Acquis. | Ho | Nancy Tavernier | \$160,000 | \$ 160,000.00 | \$ 1,076,675.52 |
| 2 | AHA Rec. Area McCarthy Vil. | Ho | Ken Sghia-Hughes | \$27,000 | \$ 22,000.00 | \$ 1,054,675.52 |
| 3 | AHA Housing Supp. - Feas. Study | Ho | Peter Berry | \$25,000 | \$ 25,000.00 | \$ 1,029,675.52 |
| 4 | ToA Open Sp.Com. Open Space Set-Aside | OS | Andy Magee | \$400,000 | \$ 400,000.00 | \$ 629,675.52 |
| 5 | APS/Elm St. Hoops Douglas Sch. Basketball Ct. | R | Matt Lundberg | \$20,000 | \$ 20,000.00 | \$ 609,675.52 |
| 6 | ABRS/ FoLF Woodld. Path to Leary Fld. | R | Andy Magee | \$25,000 | \$ 25,000.00 | \$ 584,675.52 |
| 7 | APS/ Gates PTO Gates Sch. Playground | R | Catherine Coleman | \$14,667 | \$ 16,000.00 | \$ 568,675.52 |
| 8 | Habitat Habitat Home Development | Ho | Ken Sghia-Hughes | \$35,000 | \$ 35,000.00 | \$ 533,675.52 |
| 9 | Iron Work Farm Jones Tavern Roof/Gutters | Hi | Ed Starzec | \$41,000 | \$ 41,000.00 | \$ 492,675.52 |
| 10 | ToA Land Stew.Com. Hist. Stone Chamber | Hi | Susan Mitchell Hardt | \$15,000 | \$ 20,000.00 | \$ 472,675.52 |
| 11 | ToA BFRT Design -1 | R (OS) | Walter Foster | \$125,000 | \$ 175,000.00 | \$ 297,675.52 |
| 12 | ToA Fitzgerald Piano | Hi | Tori Beyer | \$17,000 | \$ 18,000.00 | \$ 279,675.52 |
| 13 | ToA School St. Fields | R | Susan Mitchell Hardt | \$68,530 | \$ 69,000.00 | \$ 210,675.52 |
| 14 | ToA Town Hall Roof | Hi | Peter Berry | \$65,470 | \$ 65,470.00 | \$ 145,205.52 |
| 15 | ToA Arboretum Univ. Access | OS | Tori Beyer | \$24,000 | \$ 24,000.00 | \$ 121,205.52 |
| 16 | ToA Admin. 5% of '05 coll. surcharge + '06 St.fund distr.) | | | \$57,083 | \$ 57,083.40 | \$ 64,122.12 |
| | | | | \$1,119,750 | \$ 1,172,553.40 | \$ 64,122.12 |
| | | | | not appropriated | \$ 64,122.12 | |

| Category | % of all requests | Requested | Awarded | % of Fund Bal. | min 10 %? |
|----------------|-------------------|----------------|-----------------------|----------------|-----------|
| OS | 37.87% | \$424,000.00 | \$424,000.00 | 34.29% | <--ok |
| Ho | 22.06% | \$247,000.00 | \$242,000.00 | 19.57% | <--ok |
| Hi | 12.37% | \$138,470.00 | \$144,470.00 | 11.68% | <--ok |
| R | 22.61% | \$253,197.00 | \$305,000.00 | 24.66% | |
| Admin | 5.10% | \$57,083.38 | \$57,083.40 | 4.62% | |
| unappropriated | | | \$ 64,122.12 | 5.19% | |
| Total | 100.00% | \$1,119,750.38 | \$1,236,675.52 | 100.00% | |

The 2006 Annual Town Meeting adopted the CPC recommendation, except for item 2, which had been withdrawn.

The annual Open Space Reserve Fund appropriations are cumulative and subject to future appropriation by Town Meeting for specific projects or land acquisitions. The total Open Space Reserve Fund after the 2006 Annual Town Meeting is \$900,000.

APPENDIX

And, whereas Massachusetts General Law, Chapter 44B requires that the Town appropriate for spending, or set-aside for future spending, from the fund balance at least 10% for open space, 10% for historic preservation, and 10% for community housing.

And, whereas the recommended appropriations for open space, historic preservation, and community housing each exceed 10% of the Community Preservation Fund balance.

And, whereas Town Meeting may vote to delete or reduce any of the recommended amounts.

Therefore, in the event that recommended amounts are deleted or reduced, vote to appropriate as a set-aside for future spending from the FY 2005 Community Preservation Fund Balance the minimum necessary amounts to allocate not less than 10% (\$123,667.60) for open space, not less than 10% (\$123,667.60) for historic preservation, and not less than 10% (\$123,667.60) for community housing.

, or take any other action relative thereto.

SUMMARY

This article would make appropriations from the Town's Community Preservation Fund. In 2002, the Town adopted the Community Preservation Act, Massachusetts General Laws Chapter 44B (M.G.L. Ch. 44B). This established Acton's Community Preservation Fund through a 1.5% annual surcharge on real estate property tax bills with certain exemptions, and made the Town eligible to receive annually additional monies from the Massachusetts Community Preservation Trust Fund, which are added to the Town's Community Preservation Fund. Under the law, the Community Preservation Fund may be used to acquire, create and preserve open space; to acquire, preserve, rehabilitate, and restore historic resources; to create, preserve and support community housing; to acquire, create and preserve land for recreational use; and for certain related expenses in support of the foregoing. Community housing is defined as housing for low- and moderate-income individuals and families. This is the third year of appropriations from Acton's Community Preservation Fund.

Local adoption of the Community Preservation Act established the Acton Community Preservation Committee as a statutory committee under the Act (Chapter S of the Bylaws of the Town of Acton). The Community Preservation Committee's duties under the law are to study the needs, possibilities, resources, and preferences of the Town regarding community preservation; to engage in an open and public process of deliberation and consult with other Town Boards and Committees; and to make recommendations to Town Meeting for appropriations from the Community Preservation Fund.

In September 2005, the Community Preservation Committee published its 2006 Community Preservation Plan with guidelines for the submission of projects seeking funding. By November 14, 2005, it had received sixteen applications for funding of proposed items and projects. The Committee reviewed all proposals, interviewed proponents, and solicited legal opinions on the proposals to help evaluate their eligibility under M.G.L. Ch. 44B. This article represents the Committee's recommendation for appropriations from the Community Preservation Fund balance. All recommended amounts are "up-to" spending limits. Savings, if any, will be available for future appropriations. All projects that were proposed to the Community Preservation Committee have been recommended for funding, though some of the recommended projects have not been recommended at the funding level that their proponents had requested. The recommended appropriations leave a remaining fund balance of \$64,122.12 that is available for future Town Meeting appropriations under the Community Preservation Act.

APPENDIX

Under M.G.L. Ch. 44B, Town Meeting may delete or reduce any of the recommended appropriations, but may not add new items or increase the recommended appropriations. However, M.G.L. Ch. 44B requires that the Community Preservation Committee recommends in each fiscal year the spending of not less than 10% of the annual revenues in the Community Preservation Fund for each of the following: open space (not including land for active recreation purposes); historic preservation; and community housing. The Committee may also recommend the taking by the Town of interest in real property, the set-aside of funds for later spending, and appropriation of not more than 5% of the annual revenues of the Community Preservation Fund for the Committee's administrative and operating expenses.

A. Open Space Set-Aside

This item sets aside a fund from which Town Meeting may appropriate spending in future years for the purpose of acquisition, creation, and preservation of open space and the rehabilitation and restoration of such open space. Together with the previous years' open space set-aside appropriations, the recommended amount will bring the balance in the open space set-aside to \$900,000.

| | | |
|-------------------------|----------------------------------|---------------------------------|
| Recommendations: | <u>Board of Selectmen</u> | <u>Finance Committee</u> |
| | Recommended | Deferred |

B. Land Acquisition and Development – 28 Willow Street & 214 Central Street

This recommended appropriation will provide funding to the Acton Community Housing Corporation (ACHC) for the acquisition of property located at 28 Willow and 214 Central Streets, and will help cover other costs that the ACHC may incur relative to the development of up to three units of community housing on said property. The Town of Acton is the current property owner. The property is shown on the 2004 Town Atlas plate F-2B as parcels 64 and 65. The total acquisition cost will be around \$202,500. The ACHC will pay \$42,500 from existing affordable housing gift funds. With State Priority Development Funding the ACHC has completed a feasibility study for a community housing project on the property and advanced preliminary plans in consultation with the surrounding residents. The ACHC has received site approval for the project from the Massachusetts Department of Housing and Community Development under the Local Initiative Program. An application for the project will be submitted to the Board of Appeals for a Comprehensive Permit under M.G.L. c. 40B.

| | | |
|-------------------------|----------------------------------|---------------------------------|
| Recommendations: | <u>Board of Selectmen</u> | <u>Finance Committee</u> |
| | Recommended | Deferred |

C. Recreational Area at McCarthy Village

The Acton Housing Authority (AHA) owns McCarthy Village and rents its 35 housing units to low-income families and individuals. McCarthy Village is located on Sachem Way off Great Road just north of Harris Street. In 2005 Town Meeting appropriated \$20,000 of CPA funds to the AHA for the design and construction of a recreation area at McCarthy Village to benefit the residents who live there. The AHA used about \$4,500 for design. The project construction is now more accurately priced at about \$42,000. This recommended appropriation will help close the funding gap. The design includes spaces for Volleyball, Basketball, Tether Ball, Four Square, walkways, benches, and picnic tables. It is expected that the remaining funding gap of \$4,500 can be closed by redesigning and slightly reducing the project size. There are currently no recreational or playground facilities at McCarthy Village.

APPENDIX

Recommendations: **Board of Selectmen** **Finance Committee**
 Recommended **Deferred**

D. Rental Housing Planning and Feasibility Study

Housing authorities are closely regulated by the Massachusetts Department of Housing and Community Development. Until recently, housing authorities could not access private funding sources. Regulatory changes in September 2005 have opened new opportunities. The new rules give housing authorities more flexibility to leverage from and partner with private resources. The Acton Housing Authority (AHA) seeks to retain professional advice on how it can best use and apply the new rules to maintain and expand its current rental housing inventory. This recommended appropriation to the AHA is to fund the study. The disbursement of funds shall be subject to approval by the Community Preservation Committee or its designee of a detailed and adequate study scope of services.

Recommendations: **Board of Selectmen** **Finance Committee**
 Recommended **Deferred**

E. Basketball Court at Douglas School, Elm Street

Two old basketball courts presently exist at Elm Street near the Douglas School in West Acton. They have deteriorated beyond repair, are considered unsafe to use, and are therefore no longer a recreational asset. This recommended appropriation to the Acton Public Schools will help fund the creation of two new state-of-the-art outdoor basketball courts. Construction will involve the complete demolition and removal of all existing equipment and surfaces, preparation and grading of the subsurface, new asphalt, and new basketball equipment. There are no other outdoor basketball courts in Acton. The total project cost is estimated at \$40,000. It is anticipated that the Acton Schools will contribute \$6,000, and that private funding sources will make up the remaining \$14,000.

Recommendations: **Board of Selectmen** **Finance Committee**
 Recommended **Deferred**

F. Leary Field Woodland Path

This recommended appropriation to the Acton-Boxborough Regional Schools will build a walkway from the upper school parking lot to the new Leary Field. The path will be accessible for persons with disabilities. It was an integral component of the Leary Field project that Town Meeting helped fund with a CPA appropriation last year. However, it was not built due to the higher than expected costs of other project elements.

| | | | |
|-------------------------|----------------------------------|---------------------------------|--|
| Recommendations: | <u>Board of Selectmen</u> | <u>Finance Committee</u> | |
| | Recommended | Deferred | |

G. Gates School Playground

This recommended appropriation to the Acton Public Schools will help fund the creation of a brand new playground structure at the Gates School in West Acton with a total estimated cost of \$44,000. It will completely replace an existing older structure made of pressure-treated wood that no longer meets safety standards and has deteriorated to a point where it is considered

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unsafe. The Acton School Committee has voted to contribute \$10,000. An additional \$18,000 is anticipated from private funding sources and in-kind services and volunteer labor.

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| Recommendations: | <u>Board of Selectmen</u> | <u>Finance Committee</u> |
| | Recommended | Deferred |

H. Site Preparation and Construction - Habitat for Humanity Home

This recommended appropriation to Habitat for Humanity will assist Habitat with the cost of site preparation and general construction of a new home in Acton for a low- to moderate-income family or household. The cash cost of a typical Habitat home in this area is about \$100,000. Habitat has raised funds from private donations and will continue to do so to complete the project. In addition Habitat is seeking a donation of the land, in kind contributions from professional contractors, and expects to rely hundreds of volunteer hours. The disbursement of CPA funds shall be subject to the following conditions:

- (1) Habitat shall own a property in Acton, or have secured a legally binding interest to acquire a property in Acton with an instrument sufficient in the opinion of the Board of Selectmen or its designee;
- (2) Said property shall have been found suitable and appropriate for an affordable housing unit by the Acton Board of Selectmen, which determination the Board of Selectmen may make based on location, neighborhood context, site conditions, and other relevant factors;
- (3) Habitat shall have received a building permit for the home on the accepted property;
- (4) Habitat shall grant to the Town of Acton an affordable housing deed restriction for said home and property that is in form and contents acceptable to the Board of Selectmen or its designee;
- (5) Specifically, the affordable housing deed restriction shall limit the unit to qualifying purchasers at initial sale and upon resale with a combined household income at or below 55% of the Boston Primary Metropolitan Statistical Area median income; and the restriction shall run with the home and property in perpetuity.

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| Recommendations: | <u>Board of Selectmen</u> | <u>Finance Committee</u> |
| | Recommended | Deferred |

I. Jones Tavern Roof and Gutters

Jones Tavern in South Acton Village is an important historic and cultural resource in Acton. The pre-revolutionary tavern is on the National Register of Historic Places. Iron Work Farm in Acton, Inc. is an educational non-profit historical corporation, and has owned the property since 1964. This recommended appropriation to Iron Work Farm will provide funds to replace the Jones Tavern roof, gutters and downspouts. The estimated total project cost is \$49,000. Iron Work Farm will pay \$8,000. Last year Town meeting appropriated CPA funds to restore the Tavern's four chimneys. This project is the second phase of capital investments that will help secure the historic building. The disbursement of funds shall be subject to an amendment of the existing preservation restriction to reflect the additional grant of CPA funds.

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| Recommendations: | <u>Board of Selectmen</u> | <u>Finance Committee</u> |
| | Recommended | Deferred |

J. Historic Stone Chamber Restoration

This recommended appropriation will fund the restoration by the Town of an historic stone chamber located on the Town-owned Nashoba Brook Conservation Land. The chamber is in

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dire need of stabilization - parts have already collapsed, and other walls are unstable. The restoration's aim is to return the structure to a condition that both resolves present safety concerns and reestablishes architectural principles from the time when it was originally constructed. Prior to this undertaking, the applicant proposes to conduct a thorough historical research study, to investigate the historical context within which the chamber was originally built. The Acton Historical Commission has determined that the subject stone chamber is a significant historical resource of the Town of Acton. The New England Antiquities Research Association has offered \$1,000 in support on this project. The disbursement of CPA funds shall be subject to the condition that all work shall be performed in accordance with applicable State regulations with oversight by the Acton Historical Commission.

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| Recommendations: | <u>Board of Selectmen</u> | <u>Finance Committee</u> |
| | Recommended | Deferred |

K. Bruce Freeman Rail Trail

The Bruce Freeman Rail Trail will be a multi-use recreational path on the former Penn Central Railroad right-of-way in Acton, now owned by the Massachusetts Executive Office of Transportation. The Bruce Freeman Rail Trail is planned to extend 22 miles, from Sudbury to Lowell. In Acton, the trail will run 4.6 miles from the Concord line in East Acton to the Carlisle line in North Acton. The Town has previously conducted a feasibility study for the Acton portion, and appropriated \$75,000 of CPA funding for this project last year. This recommended appropriation is the second phase of funding for the acquisition of land and design by the Town of the Bruce Freeman Rail Trail. The total cost for design and construction of the Acton segment of the Bruce Freeman Rail Trail is presently estimated at \$4.4 million, about 85% of which will be funded by the Federal and State governments. Alternate designs for the Route 2A crossings may increase the cost.

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| Recommendations: | <u>Board of Selectmen</u> | <u>Finance Committee</u> |
| | Recommended | Deferred |

L. Fitzgerald Piano Preservation

This recommended appropriation helps fund the restoration by the Town of an antique "baby grand" piano that was presented to the Town in 1926 as a gift from the Honorable John Francis Fitzgerald, former Congressman and Mayor of Boston and father of Rose Fitzgerald Kennedy. The gift was made in memory of Mayor Fitzgerald's wife's parents, who resided in Acton, and was presented on the occasion of the opening of the Acton High School. The piano has been in storage since 2000, and has fallen into disrepair and obscurity. The Acton Historical Commission declared the piano a valuable cultural and historical resource of the Town. The restored piano will be on display in the Acton Memorial Library or Town Hall, where it will be used for occasional performances. As such it will be a permanent fixture in an historic building in one of Acton's Historic Districts. The restoration is estimated to cost approximately \$21,000. The proponents of this project plan to raise additional funds from private sources to close the funding gap, pay for the costs of installing the piano in the library, and to establish an endowment to ensure future upkeep.

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| Recommendations: | <u>Board of Selectmen</u> | <u>Finance Committee</u> |
| | Recommended | Deferred |

M. School Street Twin Ball Fields

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This recommended appropriation will help fund the creation by the Town of Acton of a new multi-use recreation space consisting of a softball/little league diamond, a full-sized baseball diamond, and multi-use soccer/lacrosse fields. The fields will be located on State-owned land next to the existing soccer fields on School Street near the intersection with Route 2. The Commonwealth, through the Department of Correction, issued a license to the Town in 2003, permitting the Town to use the parcel for non-motorized town recreation and park purposes, including associated vehicle parking, for a term of ten years, with an option to renew for another 10-year term. The total cost of the ball field project is estimated at \$103,000. The Town Recreation Department has received pledges for private donations equal to approximately \$36,000.

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| Recommendations: | <u>Board of Selectmen</u> | <u>Finance Committee</u> |
| | Recommended | Deferred |

N. Town Hall Slate Roof Replacement

This is a supplemental appropriation recommended to fund the replacement of the Town Hall roof. Last year Town Meeting appropriated \$120,000 for this project including necessary architectural services. The architectural fee procured from that appropriation is \$12,000. The architect developed the bid documents. In the process he discovered serious problems with the gutters, and their replacement was added to the project. The lowest qualified bid, including gutter replacement came in at \$157,700. The contractor has agreed to hold the bid price until May. The Town has \$108,000 in CPA funding left from last year. This supplemental appropriation fills the funding gap and includes 10% contingency. The Acton Town Hall is an important historic and cultural resource and on the National Register of Historic Places. Its slate roof is original to the building, which was constructed in 1862-64.

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| Recommendations: | <u>Board of Selectmen</u> | <u>Finance Committee</u> |
| | Recommended | Deferred |

O. Arboretum Universal Access Trail

This recommended appropriation will help fund the creation of a new universal access trail in the Acton Arboretum to lilac and fragrance gardens that are currently under development. It will pass by the existing swale, butterfly, and herb gardens. The project will create trail access to these areas for persons with disabilities, especially the visually impaired and those with wheelchairs. The arboretum is supported with contributions from the Friends of the Acton Arboretum, many hours of volunteer labor, and numerous in-kind contributions.

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| Recommendations: | <u>Board of Selectmen</u> | <u>Finance Committee</u> |
| | Recommended | Deferred |

P. Administrative and Operating Expenses

The requested appropriation is 5% of the FY 2005 revenues in the community preservation fund as provided in the M.G.L. Ch. 44B, S. 6 (local surcharge and State trust fund receipt). It reimburses the Town for administrative and legal support services for the Community Preservation Committee and Program.

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| Recommendations: | <u>Board of Selectmen</u> | <u>Finance Committee</u> |
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Recommended

Deferred

Direct inquiries to: Roland Bartl, AICP, Town Planner
planning@acton-ma.gov / (978) 264-9636

Selectman assigned: Walter M. Foster: bos@acton-ma.gov

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4. 2005 Annual Town Report of the Community Preservation Committee

Community Preservation Committee 2005 Annual Report

The Community Preservation Committee (CPC) is responsible for the administration of the Community Preservation Fund, the selection and recommendation to Town Meeting of projects for funding, and the monitoring of the progress of funded community preservation projects. By statute, Community Preservation Act funds may be allocated to those projects which support the preservation and/or enhancement of open space, historic resources, community housing, and land for recreational use.

The CPC enjoyed great success in 2005, its second year of operation. With Article 17 on the April 2005 Annual Town Meeting warrant, the Committee recommended ten projects totaling \$730,150, a \$300,000 set-aside for future open space preservation, and funds to cover administrative costs. Citizens at Town Meeting voted overwhelmingly in favor of the full article. Several of those approved projects, such as the new Multi-Use Recreation Facility at Leary Field and the Jones Tavern chimney restoration, have already been completed, while others are ongoing.

As of June 30, 2005, the Town raised \$573,504 from the local CPA surcharge for FY2005 and in October 2005 received \$568,164 in State matching funds. Together with \$29,417 interest earned in FY 2005, and \$65,591 that remained unallocated from the previous year, Acton's total FY2006 Community Preservation Fund balance is \$1,241,368.

In October, the Committee published its 2006 Community Preservation Plan with updated guidelines and information for applicants seeking community preservation funds. In November, the Committee began deliberations on sixteen submissions for funding. The CPC has reviewed all proposals, solicited legal opinion as to the eligibility of each of the projects, interviewed the respective proponents, solicited input from Town Boards, including the Selectmen and Finance Committee, and sought and received public input. The Committee's FY2006 recommendations will be presented for action by all citizens at the April 2006 Town Meeting.

The Community Preservation Committee generally meets every 2nd and 4th Thursday of the month in the Acton Memorial Library meeting room. All CPC meetings are open to the public and the Committee welcomes public participation throughout the process. Citizens may email the Committee at cpc@acton-ma.gov or contact the Town Planning office at (978) 264-9636 with questions, comments, and feedback. For additional information and to view the current Community Preservation proposals, citizens may visit the Community Preservation page on the Town website at www.acton-ma.gov.

2005 CPC Members:

Matt Lundberg, Recreation Commission representative, Chair

Susan Mitchell-Hardt, At-large, Vice Chair

Ken Sghia-Hughes, Acton Housing Authority representative, Clerk

Jon Benson, Associate

Peter Berry, At-large

Victoria Beyer, Robert Coan (former), Historical Commission representative

Catherine Coleman, At-large

Walter Foster, Board of Selectmen representative

Andrew Magee, Conservation Commission representative

Ed Starzec, Stacy Rogers (former), Planning Board representative

Nancy Tavernier, Associate

Roland Bartl, Town Planner, staff support

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5. Sample Award Letter



**Community Preservation
Committee**

TOWN OF ACTON

472 Main Street
Acton, Massachusetts 01720
Telephone (978) 264-9636
Fax (978) 264-9630
cpc@acton-ma.gov
www.acton-ma.gov

April 20, 2006

Mr. William L. Ryan
Superintendent
Acton Public Schools
16 Charter Road
Acton, MA 01720

**Re: 2006 CPA Project Funding – New Outdoor Basketball Courts at Douglas School,
Elm Street**

Dear Mr. Ryan:

Congratulations to the Acton Public Schools and the Elm Street Hoops organization on being a recipient of 2006 Community Preservation funds (CPA funds). Your effort and cooperation during this year's project selection process helped secure the overwhelming support at the Annual Town Meeting for the Community Preservation Committee's (CPC) spending recommendations. Voters agreed that each project is worthwhile and now they expect that each will be well executed. Before you move forward with the project, please pay close attention to the following important instructions and funding conditions:

- The Town contact person assigned to your project is John Murray, Assistant Town Manager. All necessary documentation and communication with the Town regarding this project shall be directed to him.
- CPA funding for your project is available immediately following the release date of this letter, however:
- CPA funds shall be disbursed to the Acton Public Schools after project completion to your satisfaction and consistent with the project scope presented in your funding application, and after:
 - a) receipt by the Town contact person of an invoice by you for payment (or reimbursement) for completed work and services, including all back-up documentation and invoices for the entire project by the contractor(s) who performed the work;

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b) verification that all applicable state purchasing and ethics regulations, local bylaws, and Town financial policies have been met;

c) the assigned staff person has verified that the conditions of this award letter have been met;

d) receipt by the Town contact person of proof that at least \$20,000 of non-CPA funding has been expended on the project;

e) receipt by the Town contact person of a signed agreement in the form attached hereto between the Acton Public School Department and the Town of Acton, which provides for the Acton Public Schools to budget the necessary funds and staffing resources to properly maintain, clean, and keep in usable and safe condition the new basketball courts for an expected normal lifetime of not less than 20 years, and which further provides for certain minimum access of the new basketball courts to the Town and Town-approved community groups.

- Payments will be made for the amount invoiced by the contractor(s), less the amount of non-CPA funding, up to \$20,000.
- Funds cannot be released until the Board of Selectmen has signed the Accounts Payable Warrant at a public meeting.
- As a public entity, the Acton Public Schools are responsible to ensure that the procurements of goods and services for CPA funded projects, including procurements that are partially funded with monies donated by private entities towards the project, will abide by all applicable State and municipal requirements. They require certain procedures for expenses of \$5,000.00 or more, including a requirement that certain State funded projects are done with a specified minimum participation level by minority- and women-owned businesses. Please contact your legal counsel for any questions in this regard.
- Any significant changes to the project from what you represented in your application and during the project selection process shall require CPC approval. Please contact Roland Bartl, Town Planner (978-264-9636; rbartl@acton-ma.gov) to help determine what change is significant, and if necessary to schedule an appointment with the CPC.
- Upon full completion of the project, you must certify completion in writing to the assigned staff person and Roland Bartl, Town Planner. Once he receives your certification, your project account will be closed and no further funds shall be available for this project.
- Any CPA funds awarded to this project and not used upon project completion will be returned to the general CPA fund of the Town and made available for future appropriation by Town Meeting for other projects.
- Good publicity for your project is very important. It is exciting for Acton citizens to know where their CPA funds are being spent. It is also essential that the CPA remains strong at the State level. Therefore, the CPC asks that you make every effort to credit the source of this funding in promotional materials and with signs at the project location stating **"This project has been generously supported by the Town of Acton Community Preservation Fund."** If possible, submit a letter to the Beacon detailing how the funds have benefited your project.

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The Community Preservation Committee would appreciate a notice when work on the project has commenced, periodic updates concerning the progress of your project, and especially upon completion. For updates or general questions please contact the CPC via email - cpc@acton-ma.gov, or by calling the Planning Department at (978) 264-9636. Thank you for working in partnership with the CPC to make a significant and lasting difference in our Town.

Sincerely,

Matt Lundberg
Chair
Community Preservation Committee

cc: Board of Selectmen
Conservation Commission
Historical Commission
Planning Board
Acton Housing Authority
Tim Lieto, Elm Street Hoops, 23 Evergreen Road, Acton, MA 01720
John Murray, Assistant Town Manager
Karen Kukala, Assistant Finance Director

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